

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE  
COASTAL BARRIER RESOURCES SYSTEM JEKYLL IS-  
LAND UNIT GA-06P

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SEPTEMBER 6, 2006.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 138]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 138) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. REPLACEMENT OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES  
SYSTEM MAP.**

(a) **IN GENERAL.**—The map subtitled “GA-06P”, relating to the John H. Chafee Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Jekyll Island Unit GA-06P, that is included in the set of maps entitled “John H. Chafee Coastal Barrier Resources System” and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), is hereby replaced by another map relating to the unit entitled “John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P” and dated July 10, 2006.

(b) **AVAILABILITY.**—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

**PURPOSE OF THE BILL**

The purpose of H.R. 138 is to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P.

## BACKGROUND AND NEED FOR LEGISLATION

The John H. Chafee Coastal Barrier Resources System is made up of coastal barrier units which are delineated on maps adopted by Congress. These units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The System was created by the Coastal Barrier Resources Act of 1982 (CBRA) and was expanded in the Coastal Barrier Improvement Act of 1990. The System is administered by the U.S. Fish and Wildlife Service of the Department of the Interior. Lands included within the System are not eligible for any federal development assistance, the most notable of which is federal flood insurance.

The Coastal Barrier Resources System was initially comprised of 186 units totaling 666 miles of shoreline and 452,834 acres of undeveloped, unprotected coastal barriers on the Atlantic and Gulf of Mexico coasts. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted and units cannot be added or deleted from the System unless Congress passes a law adopting revised maps. Today, the entire Coastal Barrier Resources System has 856 units and more than 3 million acres of fastland and associated aquatic habitat.

The 1990 Coastal Barrier Improvement Act added an important new category of units to the System called "Otherwise Protected Areas" (OPAs). These include undeveloped conservation areas such as national wildlife refuges, national parks and seashores, State parks, military bases and conservation lands owned by private organizations. While OPAs remain eligible for a variety of federal financial assistance programs, they are ineligible for participation in the Federal Flood Insurance Program. The 1990 Act created 271 OPAs, comprised of approximately 1,786,000 acres, which more than doubled the amount of undeveloped coastal barrier lands covered under CBRA. When OPAs were included in the System, they were delineated with rudimentary mapping tools based upon pre-existing boundary data. As a result of technological advancements in geographic information systems, databases and digital mapping techniques, many OPA boundaries have been shown to have embedded flaws and inaccuracies.

Jekyll Island, which is owned by the State of Georgia and managed by the Jekyll Island Authority, was largely developed in the 1960s and 1970s prior to its inclusion within the System as an "otherwise protected area". There are approximately 867 structures on Jekyll Island that are inhabited or operated by private individuals who signed 99-year lease agreements with the State that expire in 2049. The State owns the land and the private individuals own the structures. Under current State law, no more than 35 percent of the land on the island can be developed. Unlike most "otherwise protected areas", the island is not managed solely for conservation or recreation and the facts in this case are somewhat unique. In the past few years, homeowners on Jekyll Island have attempted to remodel and rebuild their homes but have been advised that they would not be eligible for federal flood insurance.

H.R. 138 would adopt a revised map for Jekyll Island (GA-06P) that would remove from the Coastal Barrier Resources System the developed property and approximately 100 acres of undeveloped

land, which represents about 35 percent of the Island. This would ensure that homeowners and commercial developers can participate in the Federal Flood Insurance Program in the future. This bill does not affect the State's limitation on further development. In summary, the bill would remove about 1,282 acres of fastland but would add 1,157 acres of fastland, wetlands and open water which satisfy the requirements for inclusion within the System. The net result of this legislation is the removal of 125 acres of land from the Coastal Barrier Resources System from a unit that should not have been created since it was neither undeveloped nor held for conservation purposes.

#### COMMITTEE ACTION

H.R. 138 was introduced on January 4, 2005, by Congressman Jack Kingston (R-GA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On April 6, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute that identified that the proper map reference for these changes is entitled "John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P" and dated July 10, 2006. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill would affect direct spending, but any net change in spending would be "negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 138—A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P*

H.R. 138 would revise the Coastal Barrier Resources System (CBRS) map of Jekyll Island, Georgia. CBO estimates that enacting H.R. 138 would have no significant impact on the federal budget. The bill could affect direct spending, but we expect that any net change would be negligible. Enacting the bill would not affect revenues.

H.R. 138 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act; the bill would benefit the Jekyll Island Authority of Georgia.

The bill would modify the CBRS map of Jekyll Island Unit to exclude 1,282 acres of developed and undeveloped lands and to include 1,157 acres of wetlands and open water areas. By excluding the specified acreage, the bill would enable residents and private developers to initiate new development and improve existing structures, such as homes, while maintaining eligibility for federal flood insurance. Under current law, all lands and existing structures in the CBRS can only maintain flood insurance if they remain unchanged.

Under the bill, CBO expects that at least 100 additional acres of land would be eligible for flood insurance, and annual premium collections would total less than \$500,000 a year. Any collections would be partially offset each year by new mandatory spending for underwriting and administrative expenses. In addition, premium collections might be offset in some years by new flood insurance claims.

The CBO staff contacts for this estimate are Deborah Reis and Leigh Angres. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.